

ZONING BOARD OF APPEALS

April 22, 2002

AGENDA:

7:30 P.M. - ROLL CALL - Motion to accept minutes of 03/25/02 meeting

PRELIMINARY:

1. **WESTAGE DEVELOPMENT** - Request for 22 sq. ft. sign variance for freestanding sign at 955 Little Britain Road Office Park in NC zone. (3-1-26.2).
2. **DONOVAN, RAYMOND** - Request for 9 ft. rear yard & 5 ft. 6 in. side yard variances for existing shed @ 204 Summit Dr. in R-4 zone. (8-1-18).
3. **CIASCHI, GEORGE** - Request for 28 ft. rear yard variance for a proposed attached pool deck at 129 Glendale Drive in R-4 zone. (25-5-50).
4. **SMITH, ROBERT** - Request for 7.5 ft. side yard variance for existing shed at 6 Regimental Place in R-4 zone. (49-2-4).
5. **DREYER, DARRYL** - Request for 6 ft. rear yard variance for existing deck at 353 Nina Street in R-4 zone. (73-3-3).
6. **TRAPP, DIANE** - Request for 8 ft. side & rear yard variance for existing shed and 9.5 ft. rear yard variance for existing deck at 115 Glendale Drive in R-4 zone (25-5-20).

PUBLIC HEARING:

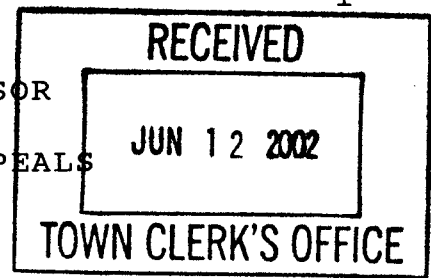
7. **MITTELMAN, ALLEN** - Request for 10 ft. side yard variance for shed and a variation of Sec. 48-14C(1)(c) of Supp. Yard Regs. to allow 5 and 6 ft. fences at 326 Nina Street in an R-4 zone. (73-2-21).
8. **MEYER, JOHN** - Request for 10 ft. rear yard variance for rear deck at 7 Ashley Court in an R-4 zone. (58-1-32).
9. **APP, DANIEL** - Request for 4,119 sq. ft. lot area variance for single-family dwelling on Riley Road in R-3 zone. (36-1-27).

Formal Decisions: (1) Romaine (2) Foley (3) Curtin (4) DiCocco (5) Searing (6) Hong Pat 563-4630 (o) or 562-7107 (h)

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TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS

APRIL 22, 2002



MEMBERS PRESENT: LAWRENCE TORLEY, CHAIRMAN
MICHAEL KANE
LEN MCDONALD
MICHAEL REIS

ALSO PRESENT: MICHAEL BABCOCK
BUILDING INSPECTOR

ANDREW KRIEGER, ESQ.
ZONING BOARD ATTORNEY

PATRICIA CORSETTI
ZONING BOARD SECRETARY

ABSENT: STEPHEN RIVERA

REGULAR MEETING

MR. TORLEY: I'd like call the Town of New Windsor
Zoning Board of Appeals meeting for April 22, 2002 to
order.

PRELIMINARY:

WESTAGE DEVELOPMENT

MR. TORLEY: Request for 22 sq. ft. sign variance for freestanding sign at 955 Little Britain Road Office Park in NC zone.

Mr. Ed Kellogg appeared before the board for this proposal.

MR. KELLOGG: I'm Ed Kellogg with Westage and we have our office park where Tectonic Engineering is at 207. We have a sign that's installed already and the sign is near the eastern edge of the building where we used to have a temporary sign now leasing so the bottom portion of the sign is already in place, the green portion, and we're going to request a variance to put the ridge in and the ridge basically matches the building design, matches the peak of the building.

MR. KANE: What's the total height of the sign?

MR. KELLOGG: Total height will be about ten feet right to the top of the peak. Right now, we're at 92 inches.

MR. KANE: Double sided sign?

MR. KELLOGG: Right and it's ground lit, not internally illuminated, be a couple of spots in the ground on either side.

MR. KANE: Doesn't obstruct the view of traffic in any way?

MR. KELLOGG: No, we actually ended up setting it back further than we wanted cause there's a gas main right out front.

MR. TORLEY: Didn't we change the lighting code a while back require, lights to focus down rather than up? Does that apply to signs like this or--

MR. BABCOCK: I'm not aware of that, Mr. Chairman.

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MR. TORLEY: Maybe I'm in error but I thought we changed the sign code to try and require lights facing down rather than shining up.

MR. KANE: Something we can check out.

MR. BABCOCK: I can verify that for the next meeting.

MR. KANE: We're just looking for square footage increase to cover the triangle on the top?

MR. KELLOGG: Right, this panel's 4 by 8, that will be 33 inches by about 100 inches wide.

MR. TORLEY: Won't be impeding the visibility of drivers?

MR. KELLOGG: No.

MR. REIS: I'll make a motion that we set up Westage Development for the present variance for a public hearing.

MR. KANE: Second it.

ROLL CALL

MR. MCDONALD	AYE
MR. REIS	AYE
MR. KANE	AYE
MR. TORLEY	AYE

MR. KANE: Could you get a couple of pictures showing the sign from the road so we can put that for the final?

MR. KELLOGG: Yes.

DONOVAN, RAYMOND

MR. TORLEY: Request for 9 ft. rear yard and 5 ft. 6 in. side yard variances for existing shed at 204 Summit Drive in R-4 zone.

Mr. Raymond Donovan appeared before the board for this proposal.

MR. DONOVAN: All right, I brought a picture of the deck and now when I purchased my home, it was brand new, I had a deck on it and all I did was make it the length of the back of my house and there's my layout when I purchased the home and I had a deck and what I did is I made it the length of the house. My original deck wasn't 40 feet somewhere along the line somebody okayed it originally.

MR. KANE: Creating any water hazards or anything in putting the deck in?

MR. DONOVAN: Nope.

MR. KANE: Cutting down any trees?

MR. DONOVAN: No.

MR. KANE: Answer a couple question that we need. The deck that you have and the placement that you have it is similar to other decks that are in your neighborhood?

MR. DONOVAN: Yes.

MR. REIS: Excuse me, we're looking for a deck, not a shed?

MR. DONOVAN: I've got the shed.

MR. TORLEY: Deck is rear yard and--

MR. KANE: So it's a 9 foot rear yard and--

MR. TORLEY: Nine foot rear yard for the deck and five foot six inch side yard for the shed.

MR. KANE: Got it. Doesn't say that.

MR. TORLEY: I'm assuming that's correct, right, Mike?

MR. BABCOCK: There's two different paperworks.

MS. CORSETTI: There's an amended Notice of Denial that came down. Says 9 foot rear for the deck and then five foot six inch for the shed.

MR. BABCOCK: Also 6 foot rear for the shed.

MR. TORLEY: Now, thank you for the pictures, the shed is, why is it there, can you, is it feasible for you to move it someplace else?

MR. DONOVAN: Never.

MR. TORLEY: Because the "I want" doesn't count as far as grounds for a variance, it's got to be unreasonable cause, economic hardship, I mean, it would be difficult or expensive to move this shed to place it someplace that would meet the zoning code?

MR. DONOVAN: Yes, you know, I have a very small back yard and that's why I placed it in the corner back there.

MR. KANE: How long has the deck been in existence or the shed, excuse me?

MR. DONOVAN: Ten years.

MR. KANE: Any complaints formally or informally about the shed?

MR. DONOVAN: No.

MR. KANE: Other neighbors in your neighborhood have sheds similar in their yard?

MR. DONOVAN: Yes.

MR. TORLEY: You'll be answering the same questions at

the public hearing.

MR. DONOVAN: Right.

MR. TORLEY: You asked about the deck not causing any water problems?

MR. KANE: Yes, I asked him.

MR. TORLEY: Neither the deck or shed is over a well or septic or any other easements?

MR. DONOVAN: No, I have town water and sewage that's all out in the front.

MR. KANE: Accept a motion?

MR. TORLEY: Yes.

MR. KANE: Move we set up Mr. Donovan for a public hearing on his requested variances at 204 Summit Drive.

MR. MC DONALD: Second it.

ROLL CALL

MR. MCDONALD	AYE
MR. REIS	AYE
MR. KANE	AYE
MR. TORLEY	AYE

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CIASHI, GEORGE

No show.

SMITH, ROBERT

MR. TORLEY: Request for 7.5 ft. side yard variance for existing shed at 6 Regimental Place in R-4 zone.

Mr. and Mrs. Smith appeared before the board for this proposal.

MR. KANE: How long has your shed been up?

MR. SMITH: About 14 years.

MR. KANE: Any complaints formally or informally about the shed?

MR. SMITH: Not at all.

MR. KANE: Is the shed itself over any septic easements?

MR. SMITH: No.

MR. KANE: Create any water hazards, runoffs?

MR. SMITH: No.

MR. KANE: Similar to other sheds in the neighborhood?

MR. SMITH: Yes.

MR. TORLEY: What's the reason why the shed is where it is?

MR. SMITH: If you look at the pictures, you'll see our yard is very wooded and if I tried to get the shed away from the property line, I'd have to put it in front of those trees which makes it too close to the house.

MR. TORLEY: Or you'd have to move trees, you don't want to cut down large trees.

MR. SMITH: I don't want to do that and the only other level spot would be way up on top of the hill there, just wouldn't be practical to have it so far away.

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MR. KANE: Is this the safest most practical spot on your property?

MR. SMITH: Right.

MR. REIS: What brings you to the ZBA, sir?

MR. SMITH: Pardon?

MR. REIS: What business brings you here?

MR. SMITH: I'm trying to sell the house.

MR. KANE: Accept a motion?

MR. TORLEY: Yes, sir.

MR. KANE: I move we set up Robert Smith for a public hearing on his requested variance at 6 Regimental Place.

MR. REIS: Second it.

ROLL CALL

MR. MCDONALD	AYE
MR. REIS	AYE
MR. KANE	AYE
MR. TORLEY	AYE

DREYER, DARRYL

MR. TORLEY: Request for 6 ft. rear yard variance for existing deck at 353 Nina Street in R-4 zone.

Mr. Darryl Dreyer appeared before the board for this proposal.

MR. DREYER: I have photographs of the deck, that's the existing deck from many angles.

MR. KANE: How long has the deck been up?

MR. DREYER: Couple months.

MR. TORLEY: Very nice deck.

MR. DREYER: Gorgeous deck.

MR. KANE: Creating of any water hazards?

MR. DREYER: No.

MR. KANE: Deck is similar to other decks in your neighborhood?

MR. DREYER: I think it's nicer but--

MR. TORLEY: And you're sure of your measurements on this? The deck is not plain, there's a step out on the deck?

MR. DREYER: The deck is a second floor deck of a high ranch so--

MR. TORLEY: The back of the deck is not a one phase, it looks like?

MR. DREYER: Yeah, the deck has a two foot bump-out for a barbecue.

MR. TORLEY: That's where you measured your distance from?

MR. DREYER: Yes, I gave, it's 34 feet to the bump-out

and 36 feet to the rest of the deck, that's why I'm asking for 6 feet.

MR. TORLEY: Be careful of your measurements to give us extra.

MR. DREYER: Okay. I'm pretty accurate, I believe.

MR. TORLEY: As long as we're going by what you say so--

MR. DREYER: Sure, no problem.

MR. TORLEY: This is not causing any drainage problems?

MR. DREYER: No, sir.

MR. TORLEY: Not built over any sewers, water lines?

MR. DREYER: No.

MR. KANE: No complaints formally or informally?

MR. DREYER: No, I replaced an existing deck in the same spot.

MR. TORLEY: Just a little further out.

MR. DREYER: I believe quite frankly that the prior owners that did the deck did not properly disclose their setbacks. I bumped it out an extra two feet, I definitely did not make the deck 6 feet larger. Whoever got the C.O. prior to me I do not believe was forthright with their dimensions.

MR. TORLEY: Or at that time, the decks, may have been a very long time ago.

MR. DREYER: Or maybe the setbacks were different at that point in time, one or the other.

MR. TORLEY: So obviously, it would be economically unfeasible to modify the deck to fit it within the--

MR. DREYER: Certainly, yes.

MR. TORLEY: That would be impractical if you did not have a deck, it would be a safety hazard for your house? You have sliding glass doors?

MR. DREYER: Yes.

MR. TORLEY: Second floor.

MR. KANE: Accept a motion?

MR. TORLEY: Yes, sir.

MR. KANE: I move that we set up Darryl Dreyer for a public hearing on his requested variance at 353 Nina Street.

MR. REIS: Second it.

ROLL CALL

MR. MCDONALD	AYE
MR. REIS	AYE
MR. KANE	AYE
MR. TORLEY	AYE

TRAPP, DIANE

MR. TORLEY: Request for 8 ft. side and rear yard variance for existing shed and 9.5 ft. rear yard variance for existing deck at 115 Glendale Drive in R-4 zone.

Mr. and Mrs. Trapp appeared before the board for this proposal.

MRS. TRAPP: in '96 when we bought the house, we got a letter from the building inspector's office that there were in violations. In '98, we got another letter, there were no violations. Here's the deck that was there when we bought the house, here's the original survey showing the deck and shed and we go to refinance, there's violations. We bought the house with violations on it and we were never notified. In '99, somebody put a violation on the deck and we were never notified, we just re-stained it because it was dirty, but I don't know what--

MR. TORLEY: The deck and shed never had C.O.'s?

MRS. TRAPP: Apparently not, no, no permits, so we were sold with the property.

MR. KANE: Do you know approximately how long the deck and shed have been up?

MRS. TRAPP: My neighbor built it in the early '90's, I think he said before we were there.

MR. KANE: Approximately ten years?

MRS. TRAPP: Yeah, at least.

MR. KANE: Any complaints about the deck and shed whatsoever?

MRS. TRAPP: No.

MR. KANE: Do you know if it's created any water hazards or runoffs in the area?

MRS. TRAPP: No.

MR. KANE: Similar to other decks in your neighborhood?

MRS. TRAPP: Yes and the shed is also the neighbor next door has one just like it, can't be moved, it's kind of like a building, I'd have to hire a contractor to move it.

MR. KANE: Infeasible to move it?

MRS. TRAPP: Yes.

MR. TORLEY: Without the deck it would be unsafe?

MRS. TRAPP: Right, same thing, bi-level.

MR. TORLEY: You asked about the sewer lines?

MR. KANE: Yeah. The shed doesn't go on any easements, sewer lines?

MRS. TRAPP: No.

MR. TORLEY: In regard to the deck, obviously economically unfeasible to modify it? We have to ask you why is the shed where it is.

MRS. TRAPP: Because the owners put it there before me, it would be economically unfeasible to move it, it's a building, I'd have to hire a contractor to come in.

MR. TORLEY: And the shed is not over any easements?

MRS. TRAPP: No.

MR. TORLEY: Not causing any water problems?

MRS. TRAPP: No.

MR. REIS: Accept a motion?

MR. TORLEY: Yes.

MR. REIS: Make a motion that we set up Diane Trapp for

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her requested variance.

MR. KANE: Second it.

ROLL CALL

MR. MCDONALD	AYE
MR. REIS	AYE
MR. KANE	AYE
MR. TORLEY	AYE

MR. KANE: Some banks are more apt to check than other banks.

MRS. TRAPP: Phil Crotty did it all, he was the bank, ours and theirs.

PUBLIC HEARING:

MITTELMAN, ALLEN

MR. TORLEY: Request for 10 ft. side yard variance for shed and a variation of Section 48-14C(1)(c) of Supplemental Yard Regulations to allow 5 and 6 ft. fences at 326 Nina Street in an R-4 zone.

Mr. Mittelman appeared before the board for this proposal.

MR. TORLEY: Is there anyone in the audience who wishes to speak on this matter? Let the record show there is none.

MS. CORSETTI: With that in mind, we did send out 85 notices on March 26 to adjacent property owners.

MR. KANE: Can we cover the shed first then move to the fences?

MR. TORLEY: Sure.

MR. KANE: Mr. Mittelman, how long has the shed been in existence?

MR. MITTELMAN: It's been up 16 years.

MR. KANE: And any complaints formally or informally about the shed?

MR. MITTELMAN: No.

MR. KANE: Similar to other sheds in your neighborhood?

MR. MITTELMAN: Nicer.

MR. KANE: Any creation of water hazards or ponding of water from the shed whatsoever?

MR. MITTELMAN: No.

MR. KANE: Not over any easements or sewage, septic?

MR. MITTELMAN: No.

MR. TORLEY: So you're asking for ten foot side yard variance, the shed is sitting right on the property line?

MR. MITTELMAN: No, I gave myself a cushion, it's about 2.6 feet.

MR. TORLEY: Because we cannot grant you a variance to have your shed on somebody else's property. Just want to check on that.

MR. MITTELMAN: Lou was out and checked out the strength of the shed.

MR. KANE: And the shed itself, it would be infeasible for you to move that shed into the proper area?

MR. MITTELMAN: Well, the reason why it is there cause you have a very big tree on the right-hand side and I didn't want to cut the trees down, large trees, aboveground roots growing on top.

MR. KANE: Okay, just for the record. Thank you.

MR. TORLEY: Now, as we noted earlier, there's no one in the attendance for the public hearing so I will open and close that. Back to the board, as far as the shed goes, gentlemen, entertain a motion on that matter.

MR. MC DONALD: Motion we grant the variance for the shed, ten foot side yard variance.

MR. KANE: Second the motion.

ROLL CALL

MR. MCDONALD	AYE
MR. REIS	AYE
MR. KANE	AYE
MR. TORLEY	AYE

MR. TORLEY: Now, fences, are these existing 5 and 6 foot fences?

MR. MITTELMAN: Yes, here's another picture, you can see both the back.

MR. KANE: Do the fences in any way block any traffic, any vision for drivers?

MR. MITTELMAN: No, fence on the road side is 36 feet back and you'll see in the picture there's two big pine trees which even covers them up so you'll see the trees first before the fence.

MR. TORLEY: So he's here because he has two front yards?

MR. BABCOCK: That's correct.

MR. KANE: If it wasn't for the second front, considered second front yard, he wouldn't be here?

MR. BABCOCK: That's correct.

MR. TORLEY: The fence is 36 feet off the road?

MR. MITTELMAN: Right, the front road, right.

MR. KANE: The fence itself provides you a little privacy and security?

MR. MITTELMAN: Yes.

MR. KANE: Any complaints over the years from the height of the fence formally or informally?

MR. MITTELMAN: No, absolutely not.

MR. TORLEY: This is a 6 foot fence I'm looking at here?

MR. MITTELMAN: The wooden fence is the 6 fence and the chain link which you can't see because I did it to blend in is five feet.

MR. TORLEY: I'm trying to figure out how both these can be side yards at right angles.

MR. MITTELMAN: No, this fence, and there's another fence, this is the back yard chain link.

MR. TORLEY: So the back yard doesn't matter?

MR. BABCOCK: That's correct, but it comes across the back yard, across the side yard or the front yard and then down along the road and then back, so that portion is in violation of the 6 foot code.

MR. TORLEY: Do you have any photographs showing the other one?

MR. MITTELMAN: Yes.

MR. BABCOCK: The green one is 6 foot, so this piece here and this piece here.

MR. TORLEY: So this is the five foot chain link is where?

MR. BABCOCK: This is in the back yard, well, this piece of it because it only can be 4 foot, so this U-shaped piece part of the chain link and the wood fence there.

MR. TORLEY: I got you. This fence is not over any water or sewer line, any other easements?

MR. MITTELMAN: No.

MR. TORLEY: It hasn't been a cause of complaints of neighbors?

MR. KANE: Already covered.

MR. TORLEY: Gentlemen?

MR. REIS: Accept a motion?

MR. TORLEY: Yes.

MR REIS: Make a motion that we grant Mr. Mittelman his requested variance for his 5 and 6 foot fences at 326

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Nina Street.

MR. MC DONALD: Second it.

ROLL CALL

MR. MCDONALD	AYE
MR. REIS	AYE
MR. KANE	AYE
MR. TORLEY	AYE

MEYER, JOHN

Mr. John Meyer appeared before the board for this proposal.

MR. TORLEY: Request for 10 ft. rear yard variance for rear deck at 7 Ashley Court in an R-4 zone. Is there anyone in the audience who wishes to speak on this matter? Let the record show there is none. Sir?

MR. MEYER: I just need a ten foot variance. I have a deck attached to the house and I want to attach that to another deck, which is going to go halfway around the pool. I'm looking for a ten foot variance for the second deck because the way my land is, the back yard goes to a point and I'm at 30 feet instead of 40 feet which I'm required to get for a variance.

MR. KANE: Can we see your papers? Thanks. Because of the odd shape of the lot coming off the cul-de-sac, all right.

MR. MEYER: Yeah, right now, this is all woods back here and this is my neighbor's back yard.

MR. TORLEY: Mike, I see by this tax map looks like there's a paper road there?

MR. BABCOCK: That's correct.

MR. TORLEY: Are we going to have, is that now considered a side yard or front yard as well?

MR. BABCOCK: Yes, it is, but it doesn't affect this application in any way, it's behind the house.

MR. MEYER: You're talking about the, my neighbors, the right-of-way?

MR. BABCOCK: Possibly the road to continue.

MR. MEYER: Yeah, that's the builder's daughter has that.

MR. KANE: And you're bringing the deck down towards

the pool?

MR. MEYER: Yes, pool level.

MR. KANE: Putting the deck for safety reasons on the pool?

MR. MEYER: Yes.

MR. KANE: Going to be creating any water hazards or runoffs?

MR. MEYER: No, no and the upper deck we'll raise the railings. Right now, it's three feet.

MR. KANE: Self-closing, self-latching gate?

MR. MEYER: Yes, all around, probably even on the upper deck we'll probably put one here because I have a 6 month old so she'll be all over the place.

MR. TORLEY: Make sure the slats are close.

MR. MEYER: They are.

MR. KANE: You won't be cutting any trees down to put the deck up in the area?

MR. MEYER: No because it's right behind the house.

MR. TORLEY: As I'm looking at this map or plan, it looks like it might be a little bit off to the left side of the house, actually might be theoretically closer to that paper road. I'm trying to make sure you don't have to do this again.

MR. MEYER: I understand.

MR. BABCOCK: As long as he, let's say that that's 40 feet, as long as he maintains that 40 feet, that's his front yard.

MR. TORLEY: Okay, paper roads can come back and bite you.

MR. KANE: Deck is going to run flush with the pool?

MR. MEYER: Yes, the pool's in, the way my landing goes like this and the pool's already in and the right side of the pool's already like the ground's already higher.

MR. KANE: Just make sure in the area you can handle 4 to 7,000 pounds of weight.

MR. MEYER: Concrete slab.

MR. KANE: In the deck itself?

MR. MEYER: Yes. There's a hot tub going in the second deck.

MS. CORSETTI: Sounds like a nice idea.

MR. TORLEY: Now, these decks and pool will not interfere with the drainage of the property?

MR. MEYER: No.

MR. KANE: He has no problem with coverage, right?

MR. BABCOCK: No.

MR. TORLEY: At least in concept, this deck and pool is similar to other decks in the neighborhood?

MR. MEYER: People behind me have a similar deck.

MR. KANE: It's not going to go over any easements or sewage, septic lines, anything?

MR. MEYER: No, we have a well which is in the front and we have sewer and that's in the front, too.

MR. KANE: Accept a motion?

MR. TORLEY: Yes.

MS. CORSETTI: Before you do that, I just want to state for the record that there's 30 notices that went out to adjacent property owners.

MR. TORLEY: As my colleague pointed out, this variance will not relieve you from any other building code requirements for the deck. Make sure it meets everything else.

MR. MEYER: Yes.

MR. KANE: Accept a motion?

MR. TORLEY: Yes.

MR. KANE: I move we approve the requested variance by John Meyer for a ten foot rear yard variance for rear deck at 7 Ashley Court.

MR. REIS: Second it.

ROLL CALL

MR. MCDONALD	AYE
MR. REIS	AYE
MR. KANE	AYE
MR. TORLEY	AYE

APP, DANIEL

MR. TORLEY: Request for 4.119 sq. ft. lot area variance for single-family dwelling on Riley Road in R-3 zone.

Mr. Daniel App appeared before the board for this proposal.

MR. TORLEY: Once again, is there anyone in the audience who wishes to speak on this matter? Let the record show no one is present.

MR. APP: I just want to hand you the survey.

MR. TORLEY: Gentlemen, a rectangular lot, we don't see many rectangular lots.

MS. CORSETTI: For the record, we sent out 11 notices to adjacent property owners on April 11.

MR. TORLEY: You wish to build a house on this property and it's 4,200 feet short of the area.

MR. KANE: What percentage are we looking at?

MR. TORLEY: It's 17661 and needs 20.

MR. KANE: That's close enough for me.

MR. TORLEY: 22.

MR. BABCOCK: He's 4,000 square foot short.

MR. TORLEY: Other lots in this area are of similar size?

MR. APP: Correct.

MR. TORLEY: As I recall, there's a whole string in the same off Riley.

MR. TORLEY: See the tax map, looks like most of them are.

MR. REIS: Water and sewer in that area?

MR. BABCOCK: Yes, they do. At the time this lot was created, there wasn't water and sewer. So now it's made it much better because there's town water, town sewer there, so we don't have to worry about a septic system on a smaller lot.

MR. TORLEY: Does Hillington Road exist?

MR. BABCOCK: Yes.

MS. CORSETTI: The only reason that's there we got a call from a woman named Ursula Russo from the DEP, she was just asking questions about how close it was to the aqueduct, so I got a copy of that.

MR. KANE: Is this a development over there?

MR. BABCOCK: No, it was a subdivision that was done long time ago, back in the '50's.

MR. TORLEY: I don't remember that road.

MR. REIS: It's not extended, doesn't run through.

MS. CORSETTI: It's a paper road and the road is owned by a doctor, the whole road so--

MR. TORLEY: It's a private road, doesn't really exist as a road, it's a private road or driveway.

MR. BABCOCK: There's several houses on it. I don't know what it is, it's a drivable road that, it's privately owned by an individual.

MR. TORLEY: It's not your problem.

MR. KANE: Just asking because I was wondering, I saw that thing and wondering why that lot wouldn't fit a single family house but now I know it was made a long time ago and they never built on it.

MR. TORLEY: Putting up the house on the lot you do not feel you'd be creating any water drainage or problems

of that nature?

MR. APP: No, sir.

MR. TORLEY: And there's room to fit a house within all the setbacks?

MR. APP: Yes.

MR. TORLEY: The house you're intending to build is similar in size to the houses there?

MR. APP: Only a little bit bigger but similar.

MR. TORLEY: It will meet all the requirements?

MR. APP: Yes.

MR. BABCOCK: He's proposing a house that's 27.6 foot wide and 52 foot long which gives him a 24 foot side yard on each side and 60 foot in the front and 87 feet in the rear.

MS. CORSETTI: You've got plenty.

MR. REIS: Accept a motion?

MR. TORLEY: Yes.

MR. REIS: Make a motion that we grant Mr. App's request for his variance at Riley Road in the R-3 zone.

MR. MC DONALD: Second it.

ROLL CALL

MR. MCDONALD	AYE
MR. REIS	AYE
MR. KANE	AYE
MR. TORLEY	AYE

FORMAL DECISIONS

1. ROMAINÉ
2. FOLEY
3. CURTIN
4. DICOCCO
5. SEARING
6. HONG

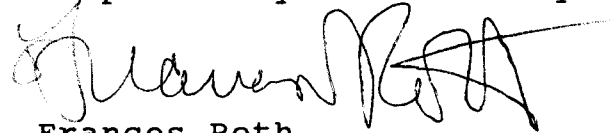
MR. KANE: I move that we take all the formal decisions in one vote and approve them all.

MR. MC DONALD: Second it.

ROLL CALL

MR. MCDONALD	AYE
MR. REIS	AYE
MR. KANE	AYE
MR. TORLEY	AYE

Respectfully Submitted By:



Frances Roth
Stenographer

-----X

In the Matter of the Application of

LUIGI DI COCCO

MEMORANDUM
OF DECISION
GRANTING VARIANCE

#01-71.

-----X

WHEREAS, LUIGI DI COCCO, 90 Guernsey Drive, New Windsor, New York 12553, has made application before the Zoning Board of Appeals for a 7.5 ft. side yard variance to allow placement of a shed, in a CL-1 zone; and

WHEREAS, a public hearing was held on the 25th day of February, 2002 before the Zoning Board of Appeals at the Town Hall, New Windsor, New York; and

WHEREAS, the Applicant appeared for this Application; and

WHEREAS, there were no spectators appearing at the public hearing; and

WHEREAS, no one spoke in favor or in opposition to the Application; and

WHEREAS, a decision was made by the Zoning Board of Appeals on the date of the public hearing granting the application; and

WHEREAS, the Zoning Board of Appeals of the Town of New Windsor sets forth the following findings in this matter here memorialized in furtherance of its previously made decision in this matter:

1. The notice of public hearing was duly sent to residents and businesses as prescribed by law and in The Sentinel, also as required by law.

2. The evidence presented by the Applicant showed that:

(a) The property is a residential property located in a neighborhood of residential properties.

(b) The Applicant seeks to erect a shed in his side yard.

(c) The shed is similar to the size and shapes of other sheds in the neighborhood.

(d) The Applicant seeks to locate the shed on a portion of the property so as to maximize its use and because it is the safest place on the property to locate the shed.

(e) The shed will not create any water hazards or affect the run off or drainage of water from the property.

(f) The lot is peculiarly shaped.

(g) The shed will not be built on top of any water or sewer easement or well or septic system.

WHEREAS, The Zoning Board of Appeals of the Town of New Windsor makes the following conclusions of law here memorialized in furtherance of its previously made decision in this matter:

1. The variance will not produce an undesirable change in the character of the neighborhood or create a detriment to nearby properties.

2. There is no other feasible method available to the Applicant that can produce the benefits sought.

3. The variance requested is substantial in relation to the Town regulations, but nevertheless is warranted.

4. The requested variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or zoning district.

5. The difficulty the Applicant faces in conforming to the bulk regulations is self-created but nevertheless should be allowed.

6. The benefit to the Applicant, if the requested variance is granted, outweighs the detriment to the health, safety and welfare of the neighborhood or community.

7. The interests of justice will be served by allowing the granting of the requested area variance.

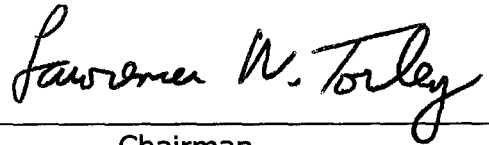
NOW, THEREFORE, BE IT

RESOLVED, that the Zoning Board of Appeals of the Town of New Windsor GRANT a request for a 7.5 ft. side yard variance for placement of a shed at the above location, in a CL-1 zone, as sought by the Applicant in accordance with plans filed with the Building Inspector and presented at the public hearing.

BE IT FURTHER

RESOLVED, that the Secretary of the Zoning Board of Appeals of the Town of New Windsor transmit a copy of this decision to the Town Clerk, Town Planning Board and Applicant.

Dated: April 22, 2002.



Chairman

-----X
In the Matter of the Application of

ROBERT FOLEY

MEMORANDUM OF
DECISION GRANTING
AREA VARIANCE

#02-03.
-----X

WHEREAS, ROBERT FOLEY, residing at 333 Lake Road, Salisbury Mills, New York, N. Y. 12577, has made application before the Zoning Board of Appeals for a variation of Section 48-14A(4) of the Supplemental Yard Regulations to permit a detached two-car garage to be constructed closer to the road than the principle structure at the above single-family residence in an R-1 zone; and

WHEREAS, a public hearing was held on the 25th day of February, 2002 before the Zoning Board of Appeals at the Town Hall, New Windsor, New York; and

WHEREAS, the Applicant appeared on behalf of this Application; and

WHEREAS, there were no spectators appearing at the public hearing; and

WHEREAS, no one spoke in favor or in opposition to the Application; and

WHEREAS, a decision was made by the Zoning Board of Appeals on the date of the public hearing granting the application; and

WHEREAS, the Zoning Board of Appeals of the Town of New Windsor sets forth the following findings in this matter here memorialized in furtherance of its previously made decision in this matter:

1. The notice of public hearing was duly sent to residents and businesses as prescribed by law and in The Sentinel, also as required by law.

2. The evidence presented by the Applicant showed that:

(a) The property is a residential property consisting of a one-family home located in an R-1 zone neighborhood containing one-family homes.

(b) The proposed location of the proposed two-car garage is in what appears to be the rear yard of the property.

(c) The property is located on the corner of a public road and "paper" road.

- (d) Visually the proposed two-car garage will appear to be in the back yard of the property, but by operation of law it is also a front yard because of the location of the property.
- (e) If it were not for the existence of this "paper" road, the location of the shed would meet the requirements of the Town of New Windsor Zoning Code.
- (f) The construction of the two-car garage will not create any ponding or collection of water.
- (g) The two-car garage will not be erected on top of any public sewer or water easement, septic or well.
- (h) The two-car garage will not obstruct the view of motorists traveling on the adjacent roadway.
- (i) The proposed two-car garage will be detached from the residence in order to enable future expansion of the residence.
- (j) The proposed two-car garage will be similar to other garages in the area.

WHEREAS, The Zoning Board of Appeals of the Town of New Windsor makes the following conclusions of law here memorialized in furtherance of its previously made decision in this matter:

1. The requested variance will not produce an undesirable change in the character of the neighborhood or create a detriment to nearby properties.
2. There is no other feasible method available to the Applicant which can produce the benefits sought.
3. The variance requested is substantial in relation to the Town regulations but nevertheless is warranted.
4. The requested variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or zoning district.
5. The difficulty the Applicant faces in conforming to the bulk regulations is self-created but nevertheless should be allowed.
6. The benefit to the Applicant, if the requested variance is granted, outweighs the detriment to the health, safety and welfare of the neighborhood or community.
7. The requested variance is appropriate and is the minimum variance necessary and adequate to allow the Applicant relief from the requirements of the Zoning Local

Law and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.

8. The interests of justice will be served by allowing the granting of the requested area variance.

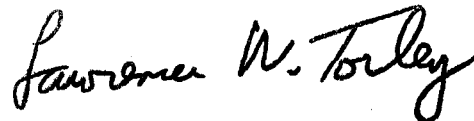
NOW, THEREFORE, BE IT

RESOLVED, that the Zoning Board of Appeals of the Town of New Windsor GRANT a request for a variation of Section 48-14A(4) of the Supplemental Yard Regulations to allow construction of a detached, two-car garage which will project closer to the road than principle structure at the above address, in an R-1 zone as sought by the Applicant in accordance with plans filed with the Building Inspector and presented at the public hearing.

BE IT FURTHER

RESOLVED, that the Secretary of the Zoning Board of Appeals of the Town of New Windsor transmit a copy of this decision to the Town Clerk, Town Planning Board and Applicant.

Dated: April 22, 2002.



Chairman

In the Matter of the Application of
HONG, IN KEE/HONGS KARATE SCHOOL

MEMORANDUM OF
DECISION GRANTING
AREA VARIANCE

#02-06.

WHEREAS, IN KEE HONG OF HONGS KARATE SCHOOL, 159 East Broadway, Monticello, New York 12701, has made application before the Zoning Board of Appeals for a 64 sq. ft. area variance for a freestanding sign at Hong's Karate School, 280 Windsor Highway in a C zone; and

WHEREAS, a public hearing was held on the 25th day of February 25 2002 before the Zoning Board of Appeals at the Town Hall, New Windsor, New York; and

WHEREAS, the Applicant appeared for this proposal; and

WHEREAS, there was one spectator appearing at the public hearing; and

WHEREAS, the one spectator spoke in favor of the Application; and

WHEREAS, a decision was made by the Zoning Board of Appeals on the date of the public hearing granting the application; and

WHEREAS, the Zoning Board of Appeals of the Town of New Windsor sets forth the following findings in this matter here memorialized in furtherance of its previously made decision in this matter:

1. The notice of public hearing was duly sent to residents and businesses as prescribed by law and in The Sentinel, also as required by law.

2. The evidence presented by the Applicant showed that:

(a) The property is a commercial property located in a neighborhood of commercial properties on a busy State highway.

(b) The Applicant seeks a variance for a freestanding sign to replace the prior freestanding sign.

(c) The sign will be internally lit, not flashing and not neon. The sign will not interfere with the view of motorists on the adjacent highway.

(d) The sign is lower and smaller than many other signs on the same highway.

- (e) The size of the sign is the smallest size that would allow the view by motorists passing on the adjacent highway.

WHEREAS, the Zoning Board of Appeals of the Town of New Windsor makes the following conclusions of law here memorialized in furtherance of its previously made decision in this matter:

1. The variance will not produce an undesirable change in the character of the neighborhood or create a detriment to nearby properties.
2. There is no other feasible method available to the Applicant which can produce the benefits sought.
3. The variance requested is substantial in relation to the Town regulations, but nevertheless is warranted.
4. The requested variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or zoning district.
5. The difficulty the Applicant faces in conforming to the bulk regulations is self-created but nevertheless should be allowed.
6. The benefit to the Applicant, if the requested variance is granted, outweighs the detriment to the health, safety and welfare of the neighborhood or community.
7. The requested variance as previously stated is reasonable in view of the size of the building, its location, and its appearance in relation to other buildings in the neighborhood.
8. The interests of justice will be served by allowing the granting of the requested area variance.

NOW, THEREFORE, BE IT

RESOLVED, that the Zoning Board of Appeals of the Town of New Windsor GRANT a request for 64 sq. ft. sign area variance for a freestanding sign for Hong's Karate School at the above location, in a C zone, as sought by the Applicant in accordance with plans filed with the Building Inspector and presented at the public hearing.

BE IT FURTHER

RESOLVED, that the Secretary of the Zoning Board of Appeals of the Town of New Windsor transmit a copy of this decision to the Town Clerk, Town Planning Board and Applicant.

Dated: April 22, 2002.


Chairman

-----X

In the Matter of the Application of

CHARLENE ROMAINE

MEMORANDUM
OF DECISION
GRANTING VARIANCE

#01-70.

-----X

WHEREAS, CHARLENE ROMAINE, 44 Birchwood Drive, New Windsor, New York 12553, has made application before the Zoning Board of Appeals for a 13 ft. side yard variance to allow an existing carport at the above location, in an R-4 zone; and

WHEREAS, a public hearing was held on the 28th day of January, 2002 before the Zoning Board of Appeals at the Town Hall, New Windsor, New York; and

WHEREAS, the Applicant appeared for this Application; and

WHEREAS, there were no spectators appearing at the public hearing; and

WHEREAS, no one spoke in favor or in opposition to the Application; and

WHEREAS, a decision was made by the Zoning Board of Appeals on the date of the public hearing granting the application; and

WHEREAS, the Zoning Board of Appeals of the Town of New Windsor sets forth the following findings in this matter here memorialized in furtherance of its previously made decision in this matter:

1. The notice of public hearing was duly sent to residents and businesses as prescribed by law and in The Sentinel, also as required by law.

2. The evidence presented by the Applicant showed that:

(a) The property is a residential property located in a neighborhood of residential properties.

(b) The property has a carport erected next to it which encroaches in the mandated side yard.

(c) The carport has been in existence for approximately 16 years.

(d) No complaints have been made about the carport either formally or informally.

(e) The carport does not create any water hazards or affect the run off or drainage of water.

(f) Other buildings in the area have similar carports or garages.

(g) The carport is not built on top of any water or sewer easement or well or septic system.

WHEREAS, The Zoning Board of Appeals of the Town of New Windsor makes the following conclusions of law here memorialized in furtherance of its previously made decision in this matter:

1. The variance will not produce an undesirable change in the character of the neighborhood or create a detriment to nearby properties.

2. There is no other feasible method available to the Applicant that can produce the benefits sought.

3. The variance requested is substantial in relation to the Town regulations, but nevertheless is warranted.

4. The requested variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or zoning district.

5. The difficulty the Applicant faces in conforming to the bulk regulations is self-created but nevertheless should be allowed.

6. The benefit to the Applicant, if the requested variance is granted, outweighs the detriment to the health, safety and welfare of the neighborhood or community.

7. The interests of justice will be served by allowing the granting of the requested area variance.

NOW, THEREFORE, BE IT

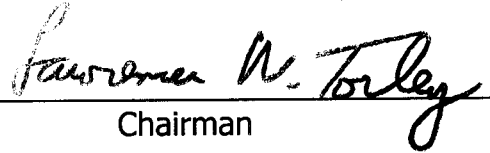
RESOLVED, that the Zoning Board of Appeals of the Town of New Windsor GRANT a request for a 13 ft. side yard variance for an existing carport

at the above location, in an R-4 zone, as sought by the Applicant in accordance with plans filed with the Building Inspector and presented at the public hearing.

BE IT FURTHER

RESOLVED, that the Secretary of the Zoning Board of Appeals of the Town of New Windsor transmit a copy of this decision to the Town Clerk, Town Planning Board and Applicant.

Dated: April 22, 2002.


Chairman

-----X
In the Matter of the Application of

DANIEL SEARING

#01-54.
-----X

MEMORANDUM
OF DECISION
GRANTING
AREA VARIANCES

WHEREAS, DANIEL SEARING, 1151 River Road, New Windsor, New York 12553, has made application before the Zoning Board of Appeals for a 10,453 sq. ft. lot area and 17.1 ft. front yard for Lot #1 (9-1-92), and 75.1 ft. lot width for Lot #2 (20-2-40) to allow a lot line change as referred by Planning Board, at the above location, in a PI zone; and

WHEREAS, a public hearing was held on the 25th day of February, 2002 before the Zoning Board of Appeals at the Town Hall, New Windsor, New York; and

WHEREAS, the Applicant appeared by Craig Marti, P.E., appeared for this Application; and

WHEREAS, there were no spectators appearing at the public hearing; and

WHEREAS, no one spoke in favor or in opposition to the Application; and

WHEREAS, a decision was made by the Zoning Board of Appeals on the date of the public hearing granting the application; and

WHEREAS, the Zoning Board of Appeals of the Town of New Windsor sets forth the following findings in this matter here memorialized in furtherance of its previously made decision in this matter:

1. The notice of public hearing was duly sent to residents and businesses as prescribed by law and in The Sentinel, also as required by law.

2. The evidence presented by the Applicant showed that:

(a) The property consists of two contiguous lots located in a mixed commercial and residential neighborhood.

(b) Of the two lots, Lot #1 is pre-existing, non-conforming and therefore conforms with the existing zoning. Lot #2 is non-conforming.

(c) The Applicant seeks to change the lot line separating Lot #1 and Lot #2 in accordance with approval to be granted by the Planning Board.

(d) The variances, if granted, will result in an increase in the size of Lot #1 and will allow a 17.1 ft. front yard variance. Lot #1 will still be non-conforming, but it will be less non-conforming than it was previously. Lot #2 is conforming in area, but is non-conforming in lot width.

(e) Lot #1 is improved by a residence and a non-detached garage. Lot #2 is vacant.

(f) The Applicant proposes to construct an office-storage facility on Lot #2.

WHEREAS, The Zoning Board of Appeals of the Town of New Windsor makes the following conclusions of law here memorialized in furtherance of its previously made decision in this matter:

1. The variances will not produce an undesirable change in the character of the neighborhood or create a detriment to nearby properties.

2. There is no other feasible method available to the Applicant that can produce the benefits sought.

3. The variances requested are substantial in relation to the Town regulations, but nevertheless are warranted.

4. The requested variances will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or zoning district.

5. The difficulty the Applicant faces in conforming to the bulk regulations is self-created but nevertheless should be allowed.

6. The benefit to the Applicant, if the requested variances are granted, outweigh the detriment to the health, safety and welfare of the neighborhood or community.

7. The interests of justice will be served by allowing the granting of the requested area variances.

NOW, THEREFORE, BE IT

RESOLVED, that the Zoning Board of Appeals of the Town of New Windsor GRANT a request as stated in paragraph #1 above, at the above location, in a PI zone, as sought by the Applicant in accordance with plans filed with the Building Inspector and presented at the public hearing.

BE IT FURTHER

RESOLVED, that the Secretary of the Zoning Board of Appeals of the Town of New Windsor transmit a copy of this decision to the Town Clerk, Town Planning Board and Applicant.

Dated: April 22, 2002.

A handwritten signature in black ink, reading "Lawrence N. Torley". The signature is written in a cursive style with a large, looped initial "L".

Chairman

In the Matter of the Application of
THOMAS CURTIN/POOL TABLES PLUS, INC.

MEMORANDUM OF
DECISION GRANTING
AREA VARIANCES

#01-66.

WHEREAS, THOMAS CURTIN of POOL TABLES PLUS, INC., 11 Quassaick Avenue, New Windsor, New York 12553, has made application before the Zoning Board of Appeals for a 2 ft. 6 in height variance for a façade sign #1, 6 in. height variance for sign #2, plus additional façade sign at the above location, in an NC zone; and

WHEREAS, a public hearing was held on the 25th day of January, 2002 before the Zoning Board of Appeals at the Town Hall, New Windsor, New York; and

WHEREAS, the Applicant appeared for this proposal; and

WHEREAS, there was one spectator appearing at the public hearing; and

WHEREAS, one spoke in favor of the Application; and

WHEREAS, a decision was made by the Zoning Board of Appeals on the date of the public hearing granting the application; and

WHEREAS, the Zoning Board of Appeals of the Town of New Windsor sets forth the following findings in this matter here memorialized in furtherance of its previously made decision in this matter:

1. The notice of public hearing was duly sent to residents and businesses as prescribed by law and in The Sentinel, also as required by law.

2. The evidence presented by the Applicant showed that:

- (a) The property is a commercial property located in a neighborhood of commercial properties on a busy State highway.
- (b) The owner of the property has renovated the appearance of same and seeks this variance to permit signage in accordance with that renovation.
- (c) The Applicant seeks permission for two façade signs, plus a canopy sign.
- (d) The canopy or awning sign is not illuminated.

- (e) The application was supported by the owner of the business directly across the street.
- (f) None of the signs sought would impede the visibility of motorists passing on the adjacent highway.
- (g) The façade signs are softly illuminated with non-neon, non-flashing illumination.
- (h) The proposed signs would not be higher than the roof line of the building.

WHEREAS, the Zoning Board of Appeals of the Town of New Windsor makes the following conclusions of law here memorialized in furtherance of its previously made decision in this matter:

1. The variances will not produce an undesirable change in the character of the neighborhood or create a detriment to nearby properties.
2. There is no other feasible method available to the Applicant which can produce the benefits sought.
3. The variances requested are substantial in relation to the Town regulations, but nevertheless are warranted.
4. The requested variances will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or zoning district.
5. The difficulty the Applicant faces in conforming to the bulk regulations is self-created but nevertheless should be allowed.
6. The benefit to the Applicant, if the requested variances are granted, outweigh the detriment to the health, safety and welfare of the neighborhood or community.
7. The requested variances as previously stated are reasonable in view of the size of the building, its location, and its appearance in relation to other buildings in the neighborhood.
8. The interests of justice will be served by allowing the granting of the requested area variances.

NOW, THEREFORE, BE IT

RESOLVED, that the Zoning Board of Appeals of the Town of New Windsor GRANT a request for a 2 ft. 6 in. height variance for a façade sign #1, 6 in. height variance for sign #2, plus additional façade sign at the above location in an NC zone, as sought by the Applicant in accordance with plans filed with the Building Inspector and presented at the public hearing.

BE IT FURTHER

RESOLVED, that the Secretary of the Zoning Board of Appeals of the Town of New Windsor transmit a copy of this decision to the Town Clerk, Town Planning Board and Applicant.

Dated: April 22, 2002.

Laurence W. Torley
Chairman